



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

April 18, 2005

Mr. Jerry Dunaway
BRAC Environmental Coordinator
Naval Facilities Engineering Command
BRAC Program Office
1230 Columbia Street, Suite 1100
San Diego, California 92101-8517

FINDING OF SUITABILITY TO TRANSFER (FOST) CARVE-OUT 3, PORTIONS OF CARVE-OUT 5, AND CARVE-OUT 7, FORMER MARINE CORPS AIR STATION (MCAS) TUSTIN, CALIFORNIA

Dear Mr. Dunaway:

On March 30, 2005, and April 6, 8 and 12, 2005, the Department of Toxic Substances Control (DTSC) received electronic versions of the revised text, tables, figures and attachments for the subject document, also known as FOST 7. Based upon review of the revised text, tables, figures and attachments, DTSC's comments provided on April 5, 7, 11 and 12, 2005, have been adequately addressed. The purpose of this FOST is to document the conclusion that the property identified above is suitable for transfer by deed.

DTSC concurs with the suitability to transfer for the above subject parcels with the following statements for the record:

1. Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination – This determination officially recognizes that all hazardous waste contamination has been addressed pursuant to RCRA and terminates RCRA liabilities that would otherwise be imposed upon future transferees. DTSC understands that the Navy will not request this determination for the parcels proposed for transfer in this FOST. Should a transferee desire not to have RCRA liabilities upon transfer of the property, they should contact DTSC to complete the necessary process. Once an application is received, DTSC will work closely with the transferee to complete the process, which includes modifying the facility boundary.

Mr. Jerry Dunaway
April 18, 2005
Page 2

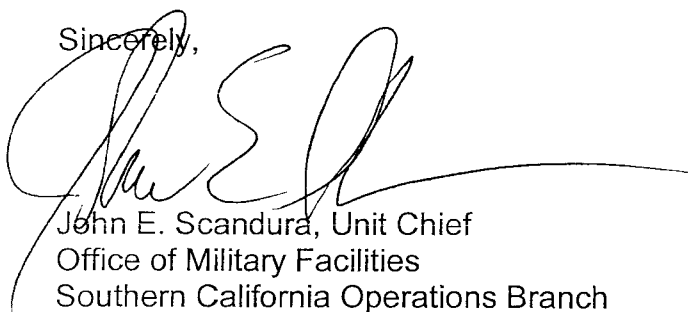
2. An area of Parcel 24 that is slated for residential reuse, known as the northeastern portion of former Installation Restoration Program Site 16, has approximately 3,170 tons of soil that is contaminated with total petroleum hydrocarbons. As described in section 6.2 of the FOST, these substances are in the form of gasoline, benzene, toluene, ethylbenzene, and xylene and remain at concentrations above target remediation levels after a soil removal action. The contaminated soil is at a depth of approximately 20 to 25 feet below ground surface. The Navy received regulatory concurrence from the Regional Water Quality Control Board for no further action at this site.

Should future development affect this pocket of contaminated soil, a worker protection program should be implemented to preclude exposure to hazardous substances by construction workers and the general public. This program would be subject to the requirements of the California Division of Occupational Safety and Health (Cal/OHSA) and applicable laws and regulations. The Department of the Navy, Regional Water Quality Control Board, and Orange County Health Care Agency, Environmental Health Division, should be notified of such activity.

3. DTSC wishes to review the transfer deed prior to the completion of the transfer process.

Please ensure that the revised text, tables, figures, and attachments are incorporated into the final version of the document. Thank you for the opportunity to review this FOST. If you have any questions regarding this letter, please contact Mr. Anantaramam Peddada, Remedial Project Manager, at (714) 484-5418 or me at (714) 484-5456.

Sincerely,



John E. Scandura, Unit Chief
Office of Military Facilities
Southern California Operations Branch

cc: Mr. Donald E. Zweifel, Co-Chairperson
Restoration Advisory Board
Former MCAS Tustin
386 Hawaii Way
Placentia, California 92870

Mr. Jerry Dunaway
April 18, 2005
Page 3

cc: Mr. Randy Keifer
Project Manager
Naval Facilities Engineering Command
BRAC Program Office (06 CC.RK)
1230 Columbia Street, Suite 1100
San Diego, California 92101-8517

Mr. James Ricks
Project Manager
U.S. Environmental Protection Agency
Region IX, (SFD-H-8)
75 Hawthorne Street
San Francisco, California 94105

Mr. Dana Ogdon
Senior Planner
City of Tustin
300 Centennial Way
Tustin, California 92780

Ms. Patricia Hannon
Project Manager
Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501-3339

Mr. Jerry Dunaway
April 18, 2005
Page 4

bcc: Rick Moss
Division Chief
Office of Military Facilities
8800 Cal Center Drive
Sacramento, California 95826

Bob Elliott
Legal Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street, P.O. Box 806
Sacramento, California 95812-0806

Manny Alonzo
Unit Chief
Office of Military Facilities
Southern California Operations Branch

Anantaramam Peddada
Hazardous Substances Scientist
Office of Military Facilities
Southern California Operations Branch

Jennifer Rich
Hazardous Substances Scientist
Office of Military Facilities
Southern California Operations Branch